

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FORD MOTOR COMPANY, a Delaware
corporation, JAGUAR CARS, LTD., a United
Kingdom company, ASTON MARTIN
LAGONDA, LTD, a United Kingdom company,
VOLVO TRADEMARK HOLDING
AB, a corporation organized under the laws of
Sweden,

Plaintiffs,

vs.

GREATDOMAINS.COM, INC., a California
corporation, et al.,

Defendants.

Civil No. 00-71544

Judge Gerald E. Rosen

U.S. DIST. COURT CLERK
EASTERN DIST. MICH.

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FILED

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**EX PARTE MOTION TO EXTEND THE TIME
FOR SERVICE OF THE SUMMONS AND COMPLAINT**

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NOW COMES Ford Motor Company, Jaguar Cars Ltd., Aston Martin Lagonda, Ltd. and Volvo Trademark Holding, AB, by their attorneys, Dickinson Wright PLLC, and hereby request this Court for an order to extend the time for service of the Summonses in this matter. In support of their motion, Plaintiffs state as follows:

1. This lawsuit was filed for cyberpiracy, trademark dilution, trademark infringement, and false designation under the Lanham Act (15 U.S.C. § 1051 et seq.) including claims arising under the recent amendment to the Lanham Act known as the Anticybersquatting Consumer Protection Act.

2. In essence, in this lawsuit Plaintiffs' claim that Defendants registered as domain names, well-known names and trademarks of Plaintiffs in order to sell those names back to the owner or to take unfair advantage of the reputation of those marks.

3. Plaintiffs have named more than 85 Defendants as part of this action. Each of these Defendants has registered one or more domain names which are owned or associated with the Plaintiffs. The Defendants are registered at addresses throughout the world, with many of the Defendants located outside of the United States.

4. Pursuant to Fed. R. Civ. P. 4(d), Plaintiffs attempted to obtain waiver of service from each of the Defendants by forwarding a request for waiver of service and complaint to each Defendant. Some of the Defendants have agreed to waive service while others have not agreed to waive service and others have not responded at all. Accordingly, it is now necessary to serve numerous of the Defendants with the Complaint in this matter.

5. Pursuant to Fed. R. Civ. P. 4(m), service should be made upon Defendants within 120 days after filing of the Complaint.


6. Plaintiffs have attempted to obtain waiver of service, have had contact with some Defendants and have been unable to locate others of the Defendants. It appears that many of the registered addresses are not valid thus requiring Plaintiffs to locate the Defendants for service.

7. It will be difficult to effectuate service within 120 days on all of the Defendants who have not appeared and/or not agreed to waive service.

8. Accordingly, Plaintiffs request this Court to extend the time for service for an additional 90 days to serve those Defendants who refuse to cooperate with the request for waiver of service and to locate those Defendants who are not located at the addresses listed with their domain name.

WHEREFORE, Defendant Ford Motor Company requests this Court to extend the time for service of the Complaint for 90 days (until October 31, 2000).

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DATED: July 21, 2000

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**BRIEF IN SUPPORT OF EX PARTE MOTION TO EXTEND
THE TIME FOR SERVICE OF THE SUMMONS AND COMPLAINT**

ISSUE PRESENTED


Should this court extend the time for service of the Complaint upon Defendants in this case?

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In support of their Motion, Plaintiffs rely on Fed. R. Civ. P. 4(m) which allows this Court to extend the time for service. In the accompanying Motion, Plaintiffs have demonstrated the need for the extension of service, including that Plaintiffs have attempted to obtain waiver of service prior to incurring the expense of actually serving the Summons on each of the Defendants, the difficulty in locating the Defendants and the location of the Defendants through the world. Accordingly, it is necessary for Plaintiffs to request an additional 90 days within which to try to serve the remaining Defendants.

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